

The Examiner further states that upon electing Group II or Group IV, Applicants are required to select a compound from Formula (1); Formula (6); Formula (11); and Formula (16). The Examiner further requires to elect a single species of consensus or homolog sequence.

For the purpose of examination of the present application, Applicants elect, with traverse, Group II, Claims 4-12, Formula I and the species identified on Page 142, lines 1-2 of the specification for further prosecution at this time.

The basis for Applicants' traversal is that there is no undue burden on the Examiner. Furthermore, Applicants respectfully request rejoinder of method Claims 1-3 and 14-15 in view of In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995), In re Brouwer 37 USPQ2d 1663 (Fed. Cir. 1996) and 35 U.S.C. 103(b).

Under 35 U.S.C. §103(b), if claims drawn to a product of a chemical or biotechnological invention are found non-obvious over the prior art, previously restricted process claims drawn to methods of making and using the products should also be found non-obvious. Claims 1-3 of Group I are drawn to a method of making the products of Claims 4-12 of Group II, and Claims 14-15 of Group IV are drawn to a method of using the products of Claims 4-12 of Group II. Applicants respectfully request that Claims 1-3 and 14-15 be considered for rejoinder to the application, in the event that product Claims 4-12, from which Claims 1-3 and 14-15 depend, are found allowable over the prior art.

In view of the foregoing, Applicants further request the consideration of the requirement for restriction and continued prosecution on the merits of all claims in this application.

However, in the event that the Examiner chooses not to rejoin and consider Claims 1-3 of Group I, Claim 13 of Group III, Claims 14-15 of Group IV and Claim 16 of Group V, Applicants elect the claims of Group II, Claims 4-12, with traverse, for examination on the merits. Applicants further

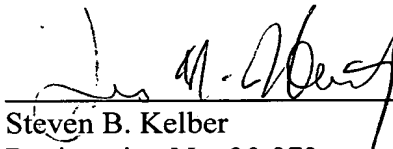
reserve the right to file one or more divisional applications to the non-elected subject matter, if they so wish.

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Perry E. Van Over at the telephone number listed below.

Respectfully submitted,

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